1: Childs M-5 (1924-1940) 1949 FP 13 Mbundu FP 13



(*c*) *In hunting*, deities other than the king's ancestors were invoked, especially *Hũvĩ*, the hunters' god, and *Kuanja*, a goddess, both of which had their own shrines and priests. These may have been connected with the country or with its earlier inhabitants (the kings being recognized as late comers). At the inaugural hunt the offices were assigned. The king's character was supposedly revealed by the sex of the animal killed at this hunt: 'If the duiker[1] is a female, then it is good indeed, but if a male, then the king is a real person but he habitually will become angry to excess' (*Nda ombambi yaco omange ciwa muẽlẽ, puaĩ nda ulume, Soma omunu puaĩ o tema tema enene*).

2. *To represent the nation in its external relations*, i.e. (*a*) *To make agreements with other kings to promote trade*, and (*b*) *To make war on other peoples* in order to provide his court with tribute and his warriors with plunder. The war leader (*Kesongo*) had his own residence and establishment entirely separate from that of the king, whom he must not meet face to face except on certain state occasions. In Bailundu he, with certain other officials, was of the stock of the slaves of the state (*ovinduli viosomẽ*) who came from Luandu in the Songo country. Each king must inaugurate his reign with a war, during or after which he must ceremonially 'eat the old one' (*oku lia ekongo*)—a feast consisting of the flesh of a specially fattened slave cooked with the flesh of the principal animals commonly eaten.

3. *To dispense justice*. In point of time consumed, this question was very important, for it occupied much of the time of both rulers and ruled. Good evidence of this is in the number of proverbs used at court, second only in number to those used for the education of the young. The king's court (*olusenje*) was the supreme court of the nation where cases were continually heard and 'fines eaten' (*oku lia ovimbu*). Cases might be settled either by ordeal or by decision of the king, and there was therefore room for appeal and re-trial. The king's word, however, was final, as the proverb has it: *O popia onganji, o mãlãpo osoma*. (The advocate speaks, the king finishes [decides].) The king was not generally arbitrary in his decisions but was bound not only by the customs of his people, but also by the desires of his councillors. Among the legitimate kings of the Ovimbundu there were comparatively few of the revolting and wholesale punishments which were so

[1] The duiker, *ombambi* (*Silvicapra grimmii leucoprosopus*).

692 527 Hambly and Childs seem to suggest that any case might be referred to the chief for his decision: "Even a slave used to have rights of appeal to the king if he were starved or beaten without cause".(1) Neither describes the composition of the courts or the mechanism of appeal.

*Legal procedure*

695 Childs writes rather obscurely "Cases might be settled by ordeal or by decision of the king, and there was therefore room for appeal and retrial".(2)

One kind of ordeal, the *ombulungu* or poison ordeal, is described by Hambly:(3) It was used (only?) when the accused was thought to have committed murder by poison or sorcery. (If weapons were used, the accuser, usually a relative of the deceased, had the right to kill the murderer with the same kind of weapon.) If a woman were accused in this way, her son or brother would take her place in the poison ordeal.

The complainant in a suit is called *ombile*, the defendant *ovilue*, and the witness *uvangi*. Cushman states that no evidence is ever ruled out of court, and that each witness is required to give a complete account of all his dealings with the persons concerned in the case, so that the court may know on which side he is likely to be prejudiced.(4) Hambly(5) adds that formerly a witness had to make recompense to the man about whom he had told a lie, and probably received a beating as well. According to Cushman an Umbundu court may find that both parties are to blame in a case, and may fine or penalise both according to the degree of guilt. "If the chief is not satisfied, he simply gets up and leaves the court circle. This indicates that the evidence has not been satisfactory and more must be presented."(6)

672 In the absence of the delinquent, responsibility for crime was formerly transferred to a relative. If a thief escaped, responsibility would rest with a brother, a father, or a son. The mother's brother was often held responsible for the misdeeds of his sister's children, and would be expected to pay their debts.(7)

*Punishments*

685 A thief was punished by a beating and a fine paid to the persons from whom he had stolen.(8) An habitual thief was sold into slavery. He might be redeemed, but only if the authorities considered his reformation complete.(9) Murder was punishable by death, although this penalty might 682 be avoided by a heavy fine paid to the relatives, usually the mother, 684 mother's brother, or sister's son of the deceased. If the victim were of the royal family, the murderer might be put to death after the payment of the fine. The punishment for women murderers was the same as for men.(10) In adultery the woman was not punished, but a man was punished in the same way as a murderer, i.e. by death or a heavy fine. (Hambly gives the fine

(1) Hambly, op.cit., p.201.
(2) 1949, p.21.
(3) op.cit., p.203.
(4) 1944, pp.38-9.
(5) op.cit., p.201.
(6) 1944, p.39.
(7) Hambly, op.cit., p.201.
(8) Ibid., p.202.
(9) Cushman, 1944, p.39.
(10) Hambly, op.cit., pp.202-3.

3: Hambly E-5 (1929-1930) 1934 FP13 Mbundu FP13



As early as 1600 there were cattle as far north as Benguela, and the Jaggas regarded these as a most valuable part of their plunder. Palms are a characteristic part of the vegetation of Angola north of the Benguela Highlands. Evidently the Jaggas moved extensively in northern Angola because they cut down palms for making wine (Battell, p. 30). The usual method is to tap the top of a standing tree, but the Jaggas were an itinerant people who did not cultivate palms.

Sprinkling the blood of sacrificed animals on a newly kindled fire I have mentioned in connection with Umbundu rites celebrating the founding of a new village. The Jaggas carried out this ceremony before a raiding expedition, when cows and other animals were sacrificed (Battell, p. 33). Battell mentions the use of red *tukula* wood for personal decoration. This wood (*Pterocarpus tinctorius*) is used in many parts of Angola at the present time.

Reference to Battell confirms the information given to me in relation to an old iron gong obtained at Ngalangi. He says (p. 20), "The general did strike his gong, which is an instrument of war that soundeth like a bell, and presently made an oration with a loud voice."

Battell reported that the Jaggas wore beads of ostrich eggshell. Ravenstein, the editor of this volume in the Hakluyt Series, seems to doubt this statement, saying, "There are no ostriches in Angola, and as to beads made of ostrich eggs I can give no explanation." I noted the presence of captive ostriches in southern Angola as far north as Gambos. The Vakuanyama women greatly value their long necklaces of ostrich-eggshell beads. Necklaces made in the north of Angola are traded to the south and conversely, each kind of necklace having a high value due to remoteness of origin. This instance, like many other points, confirms the reliability of Battell's observations in Angola.

Father Jerome Merolla (1682) describes the poison ordeal which was used from the Congo estuary to San Salvador (Churchills' Voyages, II, p. 675). "The aforesaid oath is administered to the supposed traitor by a sort of wizard, who, making a certain composition out of the juices of herbs, serpent's flesh, pulp of fruits, and divers other things, gives it to the supposed delinquent to drink. If guilty (as they tell you) he will immediately fall down in a swoon or trembling to the ground." The marimba was used, and a double iron gong was carried before a chief and struck by an attendant.

3: Hambly E-5 (1929-1930) 1934 FP13 Mbundu FP13



The foregoing facts, when compared with field work among the Ovimbundu, indicate that the old culture of the Congo and northern Angola bears a strong resemblance to Umbundu culture at the present day. A more detailed analysis of this resemblance is made in chapter X.

The following notes dealing with exploration in Angola (1800–1930) are adduced for critical comparison with my own observations among the Ovimbundu.

The work of Sir R. F. Burton describing the exploration of Lacerda and other Portuguese pioneers, is more useful for geographical than for ethnological information. Lacerda's journey to Czambe, south of Lake Moero, was performed in 1798. A mention of veneration for the dead and consultation of the deceased on all occasions of war or of good fortune, is made (p. 127). These are important points in the present tribal life of the Ovimbundu.

Bowditch (1824) writes from information given to him by Almeida and Saldanha. There are valuable references to the Vacilenge, a people adjacent to the Ovimbundu, who refused to kill their cattle, "rather than do which they will endure famine to extremity." This note was made about Long. 15° E. and Lat. 15° S. (p. 34). The cattle were milked, and cattle-raiding by the Ovimbundu was common at this time. Many present-day Ovimbundu do not milk their cattle, but the Vacilenge still follow their milking custom observed before 1824.

Livingstone's journey through northeast and northern Angola in 1853 contains references to the Vachokue who seemed bent on plunder (I, p. 370). Livingstone noted cotton spinning, which I recorded as an occupation of males of the Ovimbundu at Elende. Livingstone, like other early travelers, encountered caravans of Bihéans (Ovimbundu) bearing elephants' tusks and beeswax, commodities, which, along with slaves, formed the chief merchandise of these caravans from the Benguela Highlands (p. 466). Livingstone notes and sketches (Plate XIII, Fig. 10) the double-handled hoe (p. 442) which is still used.

J. J. Monteiro (I, p. 61) saw the poison ordeal administered. The poison itself was prepared from the thick hard bark of a large tree (*Erythrophlaeum guineense*). The place of observation was Mongue Grande, just south of the Congo estuary, and again Monteiro was present when the poison cup was given to two women at Ambrizette. Of this ordeal there is more to be said when discussing the culture contacts of the Ovimbundu, because the ordeal is a basic factor of

3. Hambly E-5 (1929-1930) 1934 FP13 Mbundu FP13



175 [316] [325] Serpa Pinto saw shafts for the working of iron ore in the neighborhood of Cubango. The ore was mixed with charcoal and smelted in shallow pits. It is stated that the iron was sometimes tempered with ox-grease and salt. The bellows are of the type made at Elende (I, p. 128). Of the tempering process I have no confirmation.

175 787 [764] Somewhere near Bihé Serpa Pinto saw the ceremony of questioning a corpse which was made to sway to and fro, the people believing all the while that it does so without human intervention. The diviner declared that the soul of a dead person will tell who caused the death (I, p. 130). I observed and photographed this ceremony (Plate XLV, Fig. 1).

[695] The ordeal of the poison cup is described; blood-letting, and divination by shaking articles in a basket are also mentioned. Pinto says that in the articles that appear uppermost the diviner reads what his hearers are desirous of learning of the past, present, or future. Sorcery and rain-making are likewise briefly mentioned (I, p. 132). The divination basket, the poison ordeal, and rain-making, are Umbundu cultural traits today.

171 224 Here Pinto illustrates the existing practice of mounting the skulls of animals killed by a hunter on a pole in the village. There is a further reference to this custom among the Ambuellas (I, p. 333). These instances, combined with those personally noted, give a wide distribution for the practice (I, p. 177).

175 [304] Pinto saw the operation of tooth mutilation among the Luimba. The operation was performed with a knife which was struck by repeated light blows (I, p. 209).

[711] Pinto illustrates arrowheads in use in 1879 (I, pp. 277, 346). These are exactly the same as those made and used in 1929 (Plate XVII, Figs. 1–9).

[412] Axes used by the Luchazi are sketched with a detail that shows the old forms to persist without alteration (II, p. 36).

[321] Water-pipes made from horns and gourds by the Luina of eastern Angola are of the forms now used in that region, also by the Ovimbundu of the present day (II, pp. 33, 37).

175 114 For use in checking and supplementing my observations Serpa Pinto's book was found to be of the greatest service, though the precise locality was sometimes difficult to identify. This explorer, in common with others, scattered his ethnological observations among descriptions of the route and botanical, zoological, and other notes.

Lux traveled from Loanda due east, following the Kwanza on the northern bank between 9° and 10° S. Lat., and so into Lunda.

3: Hambly E-5 (1929-1930) 1934 FP13 Mbundu FP13



in return. Even a slave used to have rights of appeal to the king if he were starved and beaten without cause. The king was the prime mover in warfare. The whole legal system is at this time directly under Portuguese administration though the kings and chiefs have minor powers. Ngonga says that complainants who are dissatisfied with the decision of their own chief go to the Fort, meaning of course the Portuguese military post, or office of the Administrador.

There is no doubt that in former days the responsibility for crime and debt was transferred to a relative in the absence of the delinquent. If a thief escaped, responsibility would rest with a brother, a father or a son. The mother's brother was often held to be responsible for the misdeeds and debts of his sister's children. The mother's brother has rights that extend to the sale of his sister's children to pay his debts. For this reason Ngonga says, "If I have done wrong and they cannot catch me it is right that he (mother's brother) should pay for me."

I supposed the case of Ngonga having stolen a cow; he has been caught but escapes. Ngonga said that the man from whom he had stolen the animal would go to his (Ngonga's) mother's brother in order to name the price required for the cow, or any other possession which had been stolen. If the mother's brother thought the price reasonable he would pay. On the contrary, if the price claimed were too high the mother's brother would appeal, first to the village chief, then if necessary to the king.

Ownership of land does not appear to have been a source of dispute. Apparently land was distributed by the chief as explained in dealing with village organization. Rights seem to have been well defined and there was always enough land for a stranger. When a man was going away on a trading journey he might lend his land to another who would agree to cultivate it and take the produce for a year. I was unable to satisfy myself that land is now, or was in time past held to be the property of dead ancestors. The right to land depends on its use and allotment by a chief at the time of founding a village. A man who intended to be absent would make a payment so that he might leave his goods at the house of another. The chief would settle any disputes arising from these arrangements.

The complainant in a suit is called *ombile*, the defendant is *ovilue*. The name for a witness is *uvangi*. In the old days a false witness had to make recompense to the man about whom he had told a lie; he would probably have a beating as well. A master was in every way responsible for the actions of a slave. The degree of responsi-

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## Social Life

fines were in their hands. If he murdered one of the royal family 682
he was killed after he had paid the fine." The punishment of a woman [562]
who has committed a murder is the same as that for a man.

*Ombulungu* is the name given to trial by poison ordeal. The 695
medicine-man holds out both his hands, in each of which there is a potato, only one of which is poisoned. The accused man says, "If I have done this thing, this potato will be poison for me. If I have not done this thing, this potato will be food for me." The complainant says, "If this is not the man who poisoned my brother, this potato will be poison for me." They sit in front of the medicine-man, and each must take the potato in the hand opposite to him. The poison makes a man very sick. His mouth swells so that he cannot speak.

When a woman was accused of murder her son or her brother [562]
would take her place in the poison ordeal. A boy of fifteen years of age would have the same treatment as a man. "I don't think a girl would kill anybody. I never heard about it," said Ngonga. It appears that resort was made to a medicine-man when the accused was thought to have committed murder by poison or magic. If the murderer used weapons, the accuser, who was usually a relative, was entitled to kill him with the kind of weapon used for the crime.

The penalties for adultery were the same as those for murder. 684
The woman appears to have escaped punishment, except that "her husband would not have her any more." The male adulterer had to pay the husband; if he could not pay or escape, the husband had the right to kill him. In the old days the price for adultery was two oxen, a pig, and a slave. At the present day a man who has committed adultery and made payment, possibly takes the woman and all children under three years of age. The husband has the right to decide whether the adulterer has the privilege of taking the woman and her children. An adulterer with one of the king's wives was castrated but not killed. He might, instead of mutilation, pay a very [567]
high price, while he himself along with his sisters and the sons of his sisters, would become slaves of the king. If a man could not pay, he might be sold as a slave in order to provide money for the fine. Criminal law did not distinguish between responsibility for inten- [671]
tional and unintentional offences.

It is very difficult to say how much of the old law survives. One 681
feels that underneath the ostensible Portuguese rule there is an active 177
native life that is resisting subjugation.

Only two years ago Ngonga paid an ox to prevent one of his female 686
relatives from being pawned. Within the past ten years Ngonga has

3: Hambly E-5 (1929-1930) 1934 FP13 Mbundu FP13



not an Ocimbundu, was dressed in only a skirt of cloth, and his equipment consisted of a reed whistle and a hair switch made from a cow's tail. 791

The dance was a slow revolution without any violent leaping. The man held his arms upward, fully extended, and went through the motions of drawing rain from above; then he made slow arm movements suggestive of spreading the rain all around. At times he stood quite still and gave a shrill whistle. The hair switch was constantly twirled and flourished.

### POISON ORDEAL

Evidence presented in chapters VI and VII will show that the poison ordeal is a widely spread Negro trait, and that administration of the ordeal is connected with legal proceedings during which the poison cup is usually given to the suspects or litigants by a medicine-man. 695 791

This ordeal as practised among the Ovimbundu and other people of Angola is in conformity with the general Negro procedure. Ngonga thinks that the poison ordeal of the old type is still practised secretly. According to the old law the poison cup affected an innocent man by making him vomit, while the guilty person succumbed.

Ngonga states that a form of poison ordeal which exists today is as follows: The medicine-man holds out two potatoes, one of which is poisoned while the other is innocuous. The poisoned man does not die but he becomes so ill that he confesses his guilt. This use of potatoes has been fully described in connection with legal procedure (chapter VI).

The guilt or innocence of suspects is tested by giving poison to chickens brought to the medicine-man by the accused men. He whose chicken dies is the guilty person.

### CEREMONIAL FIRE

New fire is made during epidemic sickness, at the accession of a king, and at the building of a new village. On such occasions the twirling method is employed. The fire made is called *ondalu*, which is the ordinary word for fire. 372 791 796

When an epidemic of sickness occurs the chief of the village takes a present of eight yards of cloth to the medicine-man and asks the cause of the visitation. The medicine-man replies, "Your fire is dirty and worn out, you must have new fire."

4:Dorsey E-4, 5 (no date)1899 FP13 Mbundu FP13



Still another form of fetish for protection are two small images also known as *ovitekas*. They, like the other *ovitekas* described above, are of wood, but are rudely carved from two round pieces of wood about sixteen inches long. No attempt has been made to represent the human form in any detail, only the face, neck, and arms being indicated. The face of both images has been besmeared with some reddish black pigment. These were placed where the path to the village branches off to the caravan road. A small hut before which they stood was built for them, about two feet square, and between two and three feet high, with a thatched grass roof. Within was a shelf on which from time to time was placed food, corn, and a small gourd of beer. This was done to appease certain spirits which were supposed to be angry with the village and were causing sickness.

For the so-called poison test three medicines are employed. The first and most common is known as the *ombambu*, a drug obtained from the country east of the Quanza River, and represented in the collection by a piece of bark. It has the property of a powerful spinal irritant, and it is said that a very small quantity will produce death. There is a current belief among the Ovimbundu that if a bird alights upon the *ombambu* tree it will fall down dead. The second drug, or *ombambu*, employed in the poison test is obtained from the Bihe country, and is represented by several roots. It is taken in the form of a decoction. The third test is known as *onsunga*. This is a mixture of powdered herbs, and is obtained from the country of the Ganguellas. With these three drugs should be mentioned a small gourd, *okopo*, used by the ocimbanda in mixing the medicines, and from which during the poison test the parties drink. The test medicines are stirred with the foot of a small antelope. Occasion for the administering of the poison may arise in various ways. Frequently one person will accuse another of being a witch. The accused may deny it, and appeal to the poison test to prove his innocency. They go to the chief, who calls an ocimbanda, who mixes up a concoction in a gourd, and both the accuser and accused drink. If the draughts make one sick and he vomits, he is acquitted; and if the other one becomes very sick and does not vomit, he is said to be the witch. This same test is often appealed to in other matters where one affirms and another denies. A man may drink by proxy, that is, he may have a friend drink the poison in his stead, or, more frequently, a slave drinks for his master.

Finally, it must be noticed that the ocimbandu is also a medicine-man. He undoubtedly possesses some really valuable remedies, but there is so much of the fetishistic cult bound up in the administering of the remedies that when they do help a person the credit of

[Cf. p. 185. -- Analyst]

6:Edwards E-5 (1955-1956)1962
FP13 Mbundu FP13

[1874-1911]



of ritual cannibalism (*oku lia ekongo*) after which he could not be deposed.[64]

Hastings in describing the principal ministers of the Bailundo court states that the Mwekalia and the Galamboli or Ngambole (whose function was to remember traditions) were representative of the indigenous pre-Jaga stock, the Kesongo who was the war leader was a slave from another tribe, and the Otjinduli was of immigrant stock, and points out that these represent the three sources from which the Ovimbundu sprang.[65]

At the sub-chiefdom level some of the titles found in the kingdoms would be found combined, and the chief's court, where cases were judged, was composed both of titled ministers living at the chief's village and of the village headmen (some of whom were also title-holders). The sub-chief represented his people to the outer world, led them in communal ritual and judged, with his councillors,[66] their disputes. Hastings describes a case thus: 'When all the members of the court are seated in a circle, with an empty space in the centre, the plaintiff's counsel then relates the case, after which the lawyer for the defendant does likewise for his side. The chief in turn makes general comments. Lusenje, the official, whose duty it is to keep order at court and to announce the speakers, then calls on the accuser to come forward and make his statement.'[67]

While the sub-chiefdom was the largest unit in which law and order reigned undisputed, there existed alliances and cross-cutting relationships providing a contact outside its area. There was the *tjisoko* alliance which existed between two sub-chiefdoms which were separated by a third. Gumba sub-chiefdom was thus allied to Ndjandju from which it was separated by Chicunda, and messengers from Gumba and Ndjandju travelled together to Bailundo once a year to carry tribute. Apparently a sub-chiefdom had only one *tjisoko* partner. The relationship was one of funeral friendship; *vakwatjisoko* (*tjisoko* partners) undertook the burial of those who died without kinsfolk and also ordinary

[64] This is based on information from Gumba. See also Magyar, pp. 270–77; Hastings, pp. 43–45; Childs p. 81.

[65] Hastings, p. 60.

[66] Informants.

[67] Hastings, pp. 142–43.